

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JERON D. BROWN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 05-254-JJF
	:	
THOMAS D. DONOVAN,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

Plaintiff, Jeron D. Brown, a pro se litigant and state prisoner, has filed this action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that the negligence of Defendant, Plaintiff's court-appointed defense counsel, resulted in the deprivation of his liberty without due process. (D.I. 2.)

Having granted Plaintiff leave to proceed in forma pauperis, the Court must next screen the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) to determine whether it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant immune from relief. In conducting this review, the Court must "accept as true the factual allegations in the complaint and all reasonable inferences that can be drawn therefrom." Nami v. Fauver, 82 F.3d 63, 65 (3d Cir. 1996). The term "frivolous" as used in Section 1915, "embraces not only the inarguable legal conclusion, but also the fanciful factual allegation." Neitzke v. Williams, 490 U.S. 319, 325 (1989).

The Court has reviewed the allegations of Plaintiff's Complaint and concludes that Plaintiff does not state a claim. The Court of Appeals for the Third Circuit has held that "court-appointed counsel are absolutely immune from civil liability under § 1983." Black v. Bayer, 672 F.2d 309, 317 (3d Cir. 1982).

NOW THEREFORE, IT IS HEREBY ORDERED this 20 day of December, 2005, that:

1. Plaintiff's Complaint (D.I. 2) is DISMISSED pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).
2. Plaintiff's Motion To Stay Or Delay Proceedings (D.I. 6) is DISMISSED as moot.


UNITED STATES DISTRICT JUDGE